

IT IS ORDERED

Date Entered on Docket: July 29, 2022



The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

IN RE:

**Richard Jerome Jaramillo aka Rick J. Jaramillo dba TR Power dba ABC
Consulting dba BBF Fireworks Wholesale & Retail**

Debtor(s)

Case No. 22-10509-js13

**DEFAULT ORDER GRANTING RELIEF FROM STAY
OF PROPERTY LOCATED AT 215 Calle Roble, Santa Fe, NM 87501**

This matter came before the Court on the Motion for Relief from Stay filed on 7/5/2022, Docket No. 25, (the “Motion”) by The Bank of New York Mellon F/K/A The Bank of New York as Trustee for First Horizon Alternative Mortgage Securities Trust 2004-AA7 Mortgage Pass-Through Certificates, Series 2004-AA7 (“Movant”). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On 7/5/2022, Movant served the Motion and notice of the Motion (the “Notice”) on counsel of record for Debtor, Richard Jerome Jaramillo, and the case trustee, Tiffany M. Cornejo, (the “Trustee”) by use of the Court’s case management and electronic

filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor and US Trustee by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

215 Calle Roble
Santa Fe, NM 87501

(c) The Notice specified an objection deadline of 21 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on 7/26/2022.

(f) As of 7/27/2022, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies under penalty of perjury that on 7/27/2022, McCarthy & Holthus, LLP searched the data banks of the Department of Defense Manpower Data Center (“DMDC”) and found that the DMDC does not possess any information indicating that the Debtor and non-filing Co-Debtors Thomas Young and Connie Young and Robert M. Siqueiros and Eugene J. Bachicha are currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §362(d), Movant and any and all holders of liens against the Property, of any lien priority, are hereby granted relief from the automatic stay:

(a) To enforce their rights in the Property, including foreclosure of liens and a foreclosure sale, under the terms of any prepetition notes, mortgages, security agreements,

and/or other agreements to which Debtor is a party, to the extent permitted by applicable non-bankruptcy law, such as by commencing or proceeding with appropriate action against the Debtor or the Property, or both, in any court of competent jurisdiction; and

(b) To exercise any other right or remedy available to them under law or equity with respect to the Property.

2. The automatic stay is not modified to permit any act to collect any deficiency or other obligation as a personal liability of the Debtor, although the Debtor can be named as a defendant in litigation to obtain an *in rem* judgment or to repossess the Property in accordance with applicable non-bankruptcy law, unless this matter is dismissed or Debtor otherwise do not receive a discharge of this debt.

3. This Order does not waive Movant's claim against the estate for any deficiency owed by the Debtor after any foreclosure sale or other disposition of the Property. Movant may file an amended proof of claim in this bankruptcy case within 30 days after a foreclosure sale of the Property, should it claim that Debtor owes any amount after the sale of the Property.

4. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

5. This Order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

6. Movant is further granted relief from the stay to engage in loan modification discussions or negotiations or other settlement discussions with the Debtor(s) and to enter into a loan modification with the Debtor(s).

###END OF ORDER###

RESPECTFULLY SUBMITTED BY:

/s/ Jason Bousliman

McCarthy & Holthus, LLP

Jason Bousliman, Esq.

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/s/ submitted electronically 7/27/2022

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Copies to:

DEBTOR

Richard Jerome Jaramillo

215 Calle Roble

Santa Fe, NM 87501

CASE TRUSTEE

Tiffany M. Cornejo

courtemail@ch13nm.com

US TRUSTEE

PO Box 608

Albuquerque, NM 87103-0608

SPECIAL NOTICE

State of New Mexico, Taxation and Revenue Department

ASwenson@nmag.gov